

EXHIBIT 10

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SYNGENTA CROP) Civil Action No.
PROTECTION, LLC)
Plaintiff) 1:15-cv-274
vs.)
WILLOWOOD, LLC,)
WILLOWOOD USA, LLC,)
WILLOWOOD AZOXYSTROBIN, LLC)
and WILLOWOOD LIMITED)
Defendants)

** ATTORNEYS' EYES ONLY **

Videotaped Deposition of Brian Heinze
Washington, D.C.
August 4, 2016
9:30 a.m.

Reported by: Bonnie L. Russo
Job No. 2346611

1 instant messages, correct?

2 A. No, there is not.

3 Q. At some point in this -- in
4 connection with this litigation, I assume you
5 were instructed to start preserving documents;
6 is that right?

7 A. Yes.

8 Q. Do you remember when that was?

9 A. Not specifically.

10 Q. Was it in 2014?

11 A. No. It was -- it was shortly after
12 the lawsuit was filed.

13 Q. So sometime after March 2015 when
14 the lawsuit was filed; is that right?

15 A. That is correct.

16 Q. Did Willowood send a notice to its
17 employees instructing them to preserve
18 documents?

19 A. Yes.

20 Q. Okay. Did the notice apply to
21 e-mails, do you know?

22 A. Yes, it did.

1 Q. Did the notice apply to Internet
2 chat or instant messages?

3 A. No, it did not.

4 Q. Do you know if --

5 A. Let me restate that. I don't
6 recall. I don't believe it did.

7 Q. So you are not aware sitting here
8 today of any instructions given to Willowood
9 employees regarding saving Internet chat or
10 instant messages?

11 A. I do not.

12 Q. Let's -- we jumped into some
13 questions but I wanted to get a little
14 background on yourself.

15 Can you tell me what post-high
16 school educational experience you have?

17 A. I hold a Bachelor of Science degree
18 in agriculture from California State
19 University, Chico.

20 Q. Okay. And do you have any, I guess
21 certifications that you obtained in addition to
22 the bachelor's degree?

1 A. I had -- I've let them all lapse.

2 Q. What were the certifications in?

3 A. Pest control advisors license for
4 the State of California, qualified applicators
5 license for the State of California.

6 Q. Before, you know, before Willowood,
7 where were you employed?

8 A. How far back would you like me to
9 go?

10 Q. Let's start five years before
11 Willowood USA.

12 A. I had formed my own post-patent crop
13 protection chemical company in 2000 called Ag
14 Value and Ag Value operated from 2000 to 2004
15 when it was sold to the publicly-traded Indian
16 company, United Phosphorus Mumbai in November
17 2004, and I agreed to serve a five-year
18 noncompete out of the industry prior to forming
19 Willowood in November of 2009.

20 Q. Okay. And Willowood, when you say,
21 "Willowood," there, you are referring to
22 Willowood USA that was formed in 2009; is that

1 right?

2 A. Yes, I am.

3 Q. Willowood USA was formed not only by
4 yourself but by Vijay Mundra; is that right?

5 A. Correct.

6 Q. How did you first get introduced to
7 Mr. Mundra?

8 A. Mr. Mundra and I made acquaintances
9 when I was operating Ag Value.

10 Q. Okay. Did -- when you were
11 operating Ag Value, were you doing business
12 with Willowood Limited or did Willowood Limited
13 exist at that time?

14 A. Yes, we were, and yes, we did.

15 Q. And it was through those business
16 relationships that you were introduced to Mr.
17 Mundra; is that right?

18 A. Correct.

19 Q. Let's start with your current
20 position at Willowood.

21 My understanding is that you are the
22 president and CEO of Willowood USA, LLC; is

1 right?

2 A. Yes, it is.

3 Q. Willowood, LLC, is the entity that
4 obtained and owned the end use registration for
5 Willowood AzoxyProp Xtra; is that right?

6 A. AzoxyProp Xtra, that is correct.

7 Q. Willowood, LLC, is the entity that
8 obtained and owns the end use registration for
9 Willowood Tebustrobin SC; is that right?

10 A. Yes, it is.

11 Q. Now in some instances -- well,
12 stepping back, for each of those end use
13 registrations, you understand that there was an
14 application process before the EPA, correct?

15 A. Correct.

16 Q. And in some instances, chemical
17 analyses were done on the products and
18 information was submitted to the EPA to acquire
19 those end use registrations, correct?

20 A. Correct.

21 Q. In particular, an entity called
22 Analytical Regulatory Chemistry performed some

1 analyses on Azoxy 2SC and AzoxyProp Xtra before
2 the EPA applications for those registrations
3 were submitted.

4 Do you recall that?

5 A. Yes, I do.

6 Q. Willowood, LLC, was the entity that
7 was responsible for and commissioned those
8 analyses by Analytical Regulatory Chemistry; is
9 that right?

10 A. That's correct.

11 Q. Aside from obtaining and owning the
12 EPA registrations, what else does Willowood,
13 LLC, do?

14 A. It's a holding company for our end
15 use registrations, that's all it does.

16 Q. Does Willowood, LLC, sell or offer
17 for sale any products?

18 A. It does not.

19 Q. Does Willowood, LLC, generate any
20 revenue?

21 A. No.

22 Q. Since the end use registrations for

1 Q. Includes -- an SDS includes or lists
2 the supplier of material that is the subject of
3 that SDS, correct?

4 A. I can't say that with any certainty.

5 Q. You understand that Willowood, LLC,
6 has identified itself as a supplier of Azoxy
7 2SC and AzoxyProp Xtra on SDSs, correct?

8 A. Correct.

9 Q. And in particular, Willowood, LLC,
10 is currently listed as the supplier of Azoxy
11 2SC and AzoxyProp Xtra at least on the SDSs for
12 those products, correct?

13 A. Correct.

14 Q. You also understand that Willowood,
15 LLC, has been identified on the product labels
16 for Azoxy 2SC and AzoxyProp Xtra, correct?

17 A. Correct.

18 Q. And the product label is included
19 with -- as a pamphlet or booklet with the
20 product that is sold to the end user; is that
21 right?

22 A. That's correct.

1 Q. Mr. Heinze, what I have handed to
2 you is a label for AzoxyProp Xtra, correct?

3 A. Correct.

4 Q. And the lower right-hand corner on
5 the first page, you see that the revision date
6 is August 13, 2014?

7 A. I do.

8 Q. If you could turn to the very last
9 page of this document, it states -- for the
10 record, it is Page WW 21043.

11 Let me know when you get there.

12 A. Okay.

13 Q. On the last page, it is -- of the
14 label, it states: "Distributed by Willowood
15 Azoxystrobin, LLC."

16 Do you see that?

17 A. Yes, I do.

18 Q. So Willowood Azoxystrobin, LLC, has
19 identified itself, at least in some instances
20 on the product label for AzoxyProp Xtra, as the
21 distributor of that product, correct?

22 A. Correct.

1 Q. In some instances, Willowood
2 Azoxystrobin, LLC, has actually placed orders
3 for azoxystrobin technical from Willowood
4 Limited; is that right?

5 MR. NEUMAN: Hold on one second.
6 Could you repeat the question, please.

7 BY MR. SANTHANAM:

8 Q. In some instances, Willowood
9 Azoxystrobin, LLC, has placed orders for
10 azoxystrobin technical from Willowood Limited;
11 is that right?

12 MR. NEUMAN: Objection to form.

13 THE WITNESS: I don't recall.

14 MR. SANTHANAM: Marking this
15 document as Plaintiff's Exhibit 39, handing to
16 the witness.

17 (Deposition Exhibit 39 was marked
18 for identification.)

19 MR. SANTHANAM: For the record,
20 Plaintiff's Exhibit 39 is a document Willowood
21 has produced. It is consecutively
22 Bates-numbered WW 42, WW 53.

1 BY MR. SANTHANAM:

2 Q. Mr. Heinze, if you could take a look
3 at this document and confirm for me that it is
4 a set of invoices from Willowood Limited.

5 A. Please restate your question.

6 Q. So what I've handed to you as
7 Exhibit 39 is a set of invoices from Willowood
8 Limited for the sale of azoxystrobin technical;
9 is that right?

10 A. That's correct.

11 Q. Now if you can turn to WW 43. That
12 page is an invoice dated June 14 -- I'm sorry,
13 June 30, 2014, correct?

14 A. Correct.

15 Q. And the invoice is from Willowood
16 Limited to Willowood Azoxystrobin, LLC, for
17 5,000 kilograms of azoxystrobin technical,
18 correct?

19 A. Correct.

20 Q. So I will ask my question again: So
21 in some instances, Willowood Azoxystrobin, LLC,
22 has placed orders for azoxystrobin technical

1 from Willowood Limited; is that right?

2 A. It appears so.

3 Q. If you can turn to Pages 44 through
4 47, those are also invoices from Willowood
5 Limited to Willowood Azoxystrobin, LLC, for the
6 purchase of azoxystrobin technical; is that
7 right?

8 A. That's right.

9 Q. Same is true for -- strike that.
10 If you can turn to Page 49, WW 49.
11 Let me know when you get there.

12 A. I'm there.

13 Q. That particular invoice dated March
14 15, 2015 is an invoice from Willowood Limited
15 to Willowood USA, LLC, for the purchase of
16 azoxystrobin technical.

17 Do you see that?

18 A. Yes, I do.

19 Q. And if you look at the next set of
20 pages all the way through the end of the
21 document, those are also invoiced from
22 Willowood Limited to Willowood USA for the sale

1 sometime in December 2014; is that right?

2 A. That's correct.

3 Q. Was there a reason for that?

4 A. None in particular.

5 Q. In some instances, Willowood
6 Azoxystrobin, LLC, has imported azoxystrobin
7 into the United States from Willowood Limited;
8 is that right?

9 MR. NEUMAN: Objection. Foundation.

10 THE WITNESS: I can't say that with
11 certainty.

12 MR. DAVIS: Can I have that last
13 question and answer read back please.

14 (The record was read as requested.)

15 BY MR. SANTHANAM:

16 Q. I am handing you a document that I
17 am marking as Plaintiff's Exhibit 40.

18 (Deposition Exhibit 40 was marked
19 for identification.)

20 MR. SANTHANAM: For the record,
21 Plaintiff's Exhibit 40 is a two-page document
22 produced by Willowood, WW 1996 to 1997.

1 BY MR. SANTHANAM:

2 Q. Mr. Heinze, if you could look at
3 Page 1996, this appears to be an airway bill
4 for azoxystrobin technical.

5 Do you agree?

6 A. I agree.

7 Q. And the shipper on this particular
8 airway bill is listed as Willowood Limited.

9 Do you see that?

10 A. I do.

11 Q. The consignee who accepted the
12 shipment is Willowood Azoxystrobin, LLC.

13 Do you see that?

14 A. I do.

15 Q. So in some instances, Willowood
16 Azoxystrobin, LLC, had imported azoxystrobin
17 from Willowood Limited; is that right?

18 A. It appears so.

19 Q. I'm going to hand you another
20 document I am marking as Plaintiff's Exhibit
21 41.

22 (Deposition Exhibit 41 was marked

1 with respect to azoxystrobin?

2 A. Primarily the procurement,
3 transportation and financing.

4 Q. So Willowood USA purchases
5 azoxystrobin technical from Willowood Limited;
6 is that right?

7 A. That is correct.

8 Q. In that arrangement, Willowood
9 Limited is the seller of the azoxystrobin
10 technical to Willowood USA; is that right?

11 A. That is correct.

12 Q. Willowood USA is the buyer that pays
13 for the azoxystrobin that Willowood Limited
14 supplies; is that right?

15 A. That is correct.

16 Q. Willowood Limited -- strike that.
17 Our understanding is that Willowood
18 Limited charges a 2.5 percent commission on the
19 sale of azoxystrobin technical to Willowood
20 USA; is that right?

21 A. That is correct.

22 Q. What is that 2.5 percent? Is that

1 Q. By air, how long?

2 A. Depends whether the supplier has
3 stocks at the time or not, but a considerably
4 shorter time. It can be as long as ten to 14
5 days, as long as 20, 21.

6 Q. The time frame for shipment is
7 something you take into account in determining
8 how and when to sell azoxystrobin products in
9 the United States; is that right?

10 A. Yes.

11 Q. Now after the azoxystrobin technical
12 arrives in the United States, Willowood USA,
13 LLC, then arranges for that azoxystrobin
14 technical to be shipped to the location where
15 it is then formulated; is that right?

16 A. That is not correct.

17 Q. Okay. So who arranges for the
18 azoxystrobin technical to be shipped to the
19 location where it is going to be formulated?

20 A. I should qualify my previous
21 statement. Ocean shipments are routed what we
22 term door-to-door, so they go directly to the

1 formulator that will produce the product. With
2 the air shipments, it is cleared at an airport
3 and then Willowood USA coordinates the
4 transportation to the manufacturer.

5 Q. And you said that for ocean
6 shipments, Willowood USA is the consignee so
7 Willowood USA would also be arranging the
8 transportation of azoxystrobin technical from
9 the point of import to where it is formulated;
10 is that right?

11 A. That's not correct.

12 MR. NEUMAN: Objection. Foundation.

13 BY MR. SANTHANAM:

14 Q. Which entity arranges for that
15 transportation?

16 A. That is coordinated by Willowood
17 Limited.

18 Q. So Willowood Limited coordinates the
19 transportation of azoxystrobin that comes in
20 through ocean freight from the point of entry
21 in the United States to the point where it is
22 ultimately formulated into end use product; is

1 that right?

2 A. That's correct. It is all
3 coordinated at point of origin.

4 Q. Okay. When -- and my understanding
5 is that when we are talking about end use
6 products, we are referring to Azoxy 2SC and
7 AzoxyProp Xtra; is that right?

8 A. That's correct.

9 Q. The formulation process is carried
10 out by a company called Agraform, LLC, in St.
11 Louis; is that right?

12 A. That is correct.

13 Q. How -- and when -- we talked about
14 how it is transported there, is that typically
15 done by rail, by truck or air?

16 A. All of the above.

17 Q. It depends on the circumstance?

18 A. That's correct.

19 Q. Is there a particular mode of
20 transportation that is used more often than
21 not?

22 A. For ocean shipments, once it's

1 So you didn't actually search for
2 and identify these four patents, correct?

3 A. No, I did not.

4 Q. When did Willowood first become
5 aware of these four patents?

6 A. The work done by our patent
7 attorney, Chris Hayden.

8 Q. And Chris Hayden was the one who
9 identified these four patents, Exhibits 6, 12,
10 61 and 62 to Willowood; is that right?

11 A. These and a number of other patents.

12 Q. Do you know when Mr. Hayden first
13 identified the four Syngenta patents to
14 Willowood?

15 A. It would have had to have been early
16 in 2013, early to mid-2013.

17 Q. That was because Willowood had
18 engaged Mr. Hayden to do opinion work?

19 A. Yes.

20 Q. Okay. Stepping back a little bit,
21 how were you first introduced to Mr. Hayden?

22 A. I believe it came via one of our

1 A. Without having a freedom to operate
2 opinion from a bona fide patent attorney,
3 absolutely.

4 Q. What was it about the EPA submission
5 process that you thought might potentially
6 infringe?

7 A. We just are a company of high
8 integrity and want to do the right thing and
9 wanted to have -- I mean, if there was a
10 conflict, if there were patents in force that
11 we could not legally get around, we did not
12 feel comfortable submitting the registration
13 package.

14 Q. Mr. Heinze, Willowood imported five
15 kilograms of azoxystrobin technical into the
16 United States in the early part of 2013; is
17 that right?

18 A. That is correct.

19 Q. Willowood did not have an opinion of
20 counsel from Mr. Hayden or otherwise at the
21 time it imported five kilograms of azoxystrobin
22 technical into the United States, correct?

1 A. I do.

2 Q. So as of May 16, 2014, you wanted to
3 make sure that Willowood was arranging to have
4 two to three steps in the manufacturing process
5 resulting in an intermediate done by a third
6 party and that intermediate being supplied to
7 Zenith; is that right?

8 A. That's correct.

9 Q. Okay. And as of May 15, 2014, you
10 were not sure that whether that was even the
11 case?

12 A. That is correct.

13 Q. In the top e-mail, Mr. Mundra says:
14 "SSJ can pay a visit and document the whole
15 thing, can even take a video."

16 Do you know if SSJ ever took any
17 videos of the various factories?

18 A. I know he visited them. I don't
19 know if he took a video. It actually is
20 referenced in one of the previous documents
21 that you --

22 Q. Yes. Handing you a document that

1 BY MR. SANTHANAM:

2 Q. Handing you what has previously been
3 marked as Exhibit 17.

4 MR. SANTHANAM: For the record,
5 Exhibit 17 is consecutively Bates-labeled 26251
6 to 26254.

7 THE WITNESS: Okay.

8 BY MR. SANTHANAM:

9 Q. If you look at the second page of
10 Exhibit 17, Page WW 26252, toward the bottom,
11 there is an e-mail from you, Brian Heinze, to
12 Sophia, SSJ and Vijay Mundra at Willowood
13 Limited, correct?

14 A. That is correct.

15 Q. Dated April 2, 2015?

16 A. That's correct.

17 Q. The same day that Mr. Hayden in
18 Exhibit 15 e-mailed you saying: "Brian, they
19 still have not answered," correct?

20 A. That is correct.

21 Q. In your e-mail, you e-mail Sophia,
22 you ask: "Where does Zenith play a role here?"

1 They are our registered technical source of
2 azoxystrobin."

3 Do you see that?

4 A. I do.

5 Q. Ms. -- and Sophia, in the e-mail
6 above, provides a response and she e-mails you,
7 SSJ and Vijay Mundra.

8 Do you see that?

9 A. I do.

10 Q. And she responds: "Tai He,
11 manufacturer, below steps." She specifically
12 lists: "Cyclization, methylene, etherification
13 and condensation to yield azoxystrobin."

14 Do you see that?

15 A. I do.

16 Q. In response to your inquiry in April
17 of 2015, Sophia at Willowood Limited answered:
18 "Tai He performs the etherification step,"
19 correct?

20 A. You are going by the chemical -- the
21 structures?

22 Q. The heading. Right under -- in

1 Sophia's e-mail, she lists: "Cyclization,
2 methylene, etherification, condensation to
3 yield azoxystrobin."

4 A. That's what it says, yes.

5 Q. So Sophia informed you in April of
6 2015 that Tai He performs the etherification
7 step, correct?

8 A. Yes.

9 Q. You then forward that e-mail to Mr.
10 Hayden on April 2, 2015. This is in Exhibit
11 17, and you say: "Chris, I think this is the
12 missing piece you have been looking for.
13 Please let me know your thoughts."

14 Do you see that?

15 A. I do.

16 Q. And Mr. Hayden's response that same
17 day is: "Peter, here is the followup e-mail.
18 Brian, we need to conference call."

19 Do you see that?

20 A. I do.

21 Q. What, if anything, did you discuss
22 with Mr. Hayden regarding the information that

1 Q. When you say, "patent attorney," you
2 are referring to Mr. Hayden; is that right?

3 A. Yes.

4 Q. And as of -- and this e-mail, March
5 27, 2015, was sent after Syngenta filed suit in
6 this litigation, correct?

7 A. Okay. I am assuming that was what
8 the press release was; is that correct?

9 Q. Yes. I will represent to you that
10 the litigation was filed before March 27, on or
11 before March 27.

12 After speaking with Mr. Hayden, you
13 reached out to other members of Willowood USA
14 and Mr. Mundra at Willowood Limited and you
15 stated, you believed that the first thing that
16 Willowood needed to do was confirm that its
17 manufacturer is making the product the way that
18 Willowood has instructed them to do so,
19 correct?

20 A. Correct.

21 Q. And the way you have instructed the
22 manufacturer to make the product is according

1 to the manufacturing process we discussed
2 earlier; is that right?

3 MR. NEUMAN: Objection to form.

4 THE WITNESS: With the steps being
5 carried out by various intermediate producers,
6 yes. We believe that they have been doing that
7 all along. We just wanted to reconfirm that to
8 be the case going forward.

9 BY MR. SANTHANAM:

10 Q. You say you "wanted to reconfirm."

11 (Deposition Exhibit 67 was marked
12 for identification.)

13 BY MR. SANTHANAM:

14 Q. Handing you a document that I am
15 marking as Plaintiff's Exhibit 67.

16 MR. SANTHANAM: For the record,
17 Plaintiff's Exhibit 67 is a Willowood e-mail
18 chain Bates-labeled WW 26363 to 26369.

19 THE WITNESS: Okay.

20 BY MR. SANTHANAM:

21 Q. If you look at the first page, we
22 saw this e-mail earlier from Mr. Hayden to you

1 for identification.)

2 BY MR. SANTHANAM:

3 Q. Handing you a document that I am
4 marking as Exhibit 69.

5 MR. SANTHANAM: For the record,
6 Exhibit 69 is Bates-labeled WW 22213 through
7 22221.

8 BY MR. SANTHANAM:

9 Q. Mr. Heinze, if you could take a look
10 at this for context, I would like to ask you a
11 few questions about this document.

12 A. Okay.

13 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q. If you look at the last page of
18 Exhibit 69, Page 22221, it references CAC
19 Chemical Americas, LLC?

20 A. Yes.

21 Q. Is that the CAC that you were
22 referring to?

1 Shanghai's method of detection.

2 Q. If you turn to the second page
3 there, there is an e-mail there from Joy at JDM
4 Research dated January 11, 2016 to Vijay
5 Mundra, and the second paragraph is: "CAC
6 method is capable of detecting PPB level using
7 specific column and LC-MS/MS system."

8 Do you see that?

9 A. I do.

10 Q. That is your understanding of the
11 method that CAC was using to detect DABCO in
12 Tai He's azoxystrobin technical; is that right?

13 A. That's correct. That was the method
14 that CAC -- CAC Shanghai ran the same test on
15 their material and Tai He's material and for
16 information purposes, JDM is Wholly-owned by
17 Vijay Mundra and Vijay wanted to conduct
18 confirmatory tests to prove that CAC's
19 azoxystrobin did not contain DABCO before we
20 would consider submitting an application for an
21 alternate source from CAC Shanghai.

22 Q. So if I understand it correctly, CAC

1 developed the method to test for DABCO; is that
2 right?

3 A. That is correct.

4 Q. And JDM, a company that's owned by
5 Mr. Mundra, performed the testing using CAC's
6 method, correct?

7 A. Correct. CAC ran the test on both
8 materials and JDM ran the material.

9 Q. CAC's method was capable of
10 detecting DABCO at the parts per billion level;
11 is that right?

12 A. That is correct. That is my
13 understanding, yes.

14 Q. CAC's method was -- used a specific
15 column and a liquid chromatography, mass
16 spectrometry, mass spectrometry system; is that
17 right?

18 MR. NEUMAN: Objection. Form.

19 THE WITNESS: That's what this
20 e-mail suggests, yes.

21 BY MR. SANTHANAM:

22 Q. If you look at Page 215 to 216 --

1 as follows shows that CAC's samples don't
2 contain DABCO while Willowood samples provided
3 do.

4 A. That is coming from CAC Shanghai.
5 That is not coming from JDM.

6 Q. What is -- I'm sorry, I am trying to
7 understand what your testimony is.

8 A. I don't know what your question is.

9 Q. Okay. So when it refers to the
10 samples Willowood provided on Page 22215 -- do
11 you see that?

12 A. Right.

13 Q. Is it your --

14 A. To CAC.

15 Q. The samples Willowood provided were
16 samples of azoxystrobin technical from Tai He,
17 correct?

18 A. Yes.

19 Q. Those samples of azoxystrobin
20 technical from Tai He were tested and confirmed
21 to have DABCO in them; is that right?

22 MR. NEUMAN: Objection.

1 THE WITNESS: By who?

2 BY MR. SANTHANAM:

3 Q. By CAC.

4 A. Okay. That is what I wanted to
5 clarify. Yes. That is what this is saying.

6 Q. In particular, the chart spanning
7 Pages 22215 to 22216 shows the Willowood
8 samples and the amounts of DABCO that were
9 detected in the azoxystrobin technical from Tai
10 He; is that right?

11 A. Can you please repeat that question.

12 Q. There is a chart on Pages 22215 to
13 22216.

14 Do you see that?

15 A. I do.

16 Q. The chart shows the amount of DABCO
17 that was detected in the Willowood's sample
18 from Tai He of azoxystrobin technical, correct?

19 A. That's correct.

20 Q. Has Willowood done any testing that
21 would contradict CAC's results?

22 A. I do believe that the JDM tests are

1 complete and find DABCO in both the Tai He and
2 the CAC sample.

3 Q. So JDM, the company that Mr. Mundra
4 owned, tested both CAC samples and azoxystrobin
5 technical samples from Tai He and confirmed
6 that they both contain DABCO; is that right?

7 A. That's correct. But I am still not
8 convinced that DABCO -- we have been told time
9 and time again by Tai He that DABCO is not used
10 in their manufacturing procedure because it is
11 still under patent in China.

12 Q. Mr. Heinze, what would you believe,
13 testing conducted by your own partner in
14 Willowood Limited and his company or statements
15 from Mr. Wu?

16 A. I don't have any reason to --

17 MR. NEUMAN: Objection to form.

18 THE WITNESS: I don't have any
19 reason to believe either. I --

20 BY MR. SANTHANAM:

21 Q. You don't have any reason to believe
22 that the testing that Mr. Mundra's company,

1 right? They manufacture Willowood's
2 azoxystrobin technical?

3 A. That's correct.

4 Q. And Willowood Limited purchases the
5 azoxystrobin technical from Tai He, as I
6 understand; is that right?

7 A. That's correct.

8 Q. Tai He gets paid for that
9 azoxystrobin technical, I assume, correct?

10 A. Of course, or -- are you saying by
11 who or --

12 Q. They get paid by Willowood Limited,
13 I assume?

14 A. Yes.

15 Q. How about much would you estimate
16 that Tai He has been paid for manufacturing
17 azoxystrobin technical on behalf of Willowood,
18 any of the Willowood entities?

19 A. That would be a pure speculation.
20 All -- I think all the financial documents have
21 been provided to you. If you would like me to
22 give you an estimate, I could take a few

1 minutes and try to give it to you.

2 Q. Would it be over a million dollars?

3 A. Oh, absolutely.

4 Q. Would it be over \$2 million?

5 A. I would believe so.

6 Q. Five million?

7 A. That's probably close.

8 Q. Okay. You never -- strike that.

9 Have you ever communicated with LJC?

10 A. No.

11 Q. Have you ever communicated with LGC?

12 A. No.

13 Q. Have you ever communicated with JYC?

14 A. No.

15 Q. Have you ever seen communications
16 between Willowood and any of those entities?

17 A. Just the one e-mail we saw earlier
18 from SSJ on those site visits.

19 Q. But that was not a communication
20 with third-party entities. That was just a
21 communication between Willowood Limited and
22 Willowood USA, correct?

1 A. Correct.

2 Q. When did Mr. Mundra's nephew take
3 over Greenfields?

4 A. I would estimate 12 to 18 months
5 ago.

6 Q. So 2014?

7 A. No, no, no. 12 to 18 months ago.
8 So January 1 to June 30, 2015.

9 Q. And have you ever met Mr. Rakesh
10 Jain?

11 A. I have.

12 Q. In what context have you met Mr.
13 Jain?

14 A. Mr. Jain is in a similar business.
15 I see him twice a year when I'm in China.

16 Q. What do you mean, "a similar
17 business?"

18 A. He is in the crop protection
19 chemical business as well.

20 Q. Did you communicate with Mr. Jain as
21 part of the process of establishing Greenfields
22 as an entity in Dubai?

1 A. The initial visit, yes.

2 Q. What discussion did you have with
3 Mr. Jain?

4 A. That Vijay and I were interested in
5 creating a holding company for active
6 ingredient registrations offshore, and asked
7 Mr. Jain if he would be willing to help
8 facilitate that.

9 Q. You and Mr. Mundra requested Rakesh
10 Jain to establish a holding company for
11 chemical registration; is that right?

12 A. That's correct.

13 Q. Were you involved in the process of
14 establishing Greenfields as an entity in Dubai?

15 A. No.

16 Q. Who carried that out?

17 A. Mr. Mundra and Mr. Jain.

18 Q. So Mr. Mundra worked with Mr. Jain
19 to establish Greenfields as an entity in Dubai
20 in the United Arab Emirates; is that right?

21 A. That's correct.

22 Q. Do you know what Mr. Mundra's

1 understand that?

2 A. Yes.

3 Q. Are there any contractual agreements
4 that you know of between Greenfields and Tai
5 He?

6 A. I do not know. I do not believe so.

7 Q. So Greenfields -- so what is the
8 basis for your belief that Tai He is
9 Greenfields's manufacturer of azoxystrobin
10 technical?

11 A. Greenfields only holds the technical
12 registration. It is just -- it's a holding
13 company.

14 Q. Tai He is as much a manufacturer of
15 azoxystrobin technical for Willowood as it is
16 for Greenfields, correct?

17 A. That's correct, and that is
18 reflected on our confidential statement of
19 formulas for the end use products.

20 (Deposition Exhibit 70 was marked
21 for identification.)

22 BY MR. SANTHANAM:

1 being sold, which in this case was five
2 kilograms which has a value of \$300."

3 Do you see that?

4 A. I do.

5 Q. You and Mr. Hayden had discussions
6 before physical chemistry studies were done in
7 the United States on samples of azoxystrobin
8 technical that were imported in the early half
9 of 2013, correct?

10 A. Correct.

11 Q. And your understanding was that
12 those -- that importation may infringe
13 Syngenta's patents, correct?

14 A. Correct.

15 Q. You had that understanding even
16 before you imported and ran the studies in
17 2013, correct?

18 A. Correct.

19 (Deposition Exhibit 72 was marked
20 for identification.)

21 BY MR. SANTHANAM:

22 Q. I will hand you a document I am